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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,961

12/12/2003

Daniel C. Hawkinson

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(8364-90588)

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05/04/2005

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EXAMINER

WALK, SAMUEL J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,961	Applicant(s) HAWKINSON, DANIEL C.	
	Examiner Samuel J Walk	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 5-6 are objected to because of the following informalities:

Claim 5 recites the limitation "second plurality of exit indicating output devices" in line 3 and "third plurality of ambient condition detectors" in line 5. Examiner suggests amending to read "a plurality of exit indicating output devices" and "a second plurality of ambient condition detectors".

Claim 6 recites the limitation "the third plurality" in line 2. Claim should read "the second plurality" as there are only 2 groups of ambient condition detectors.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellul (US 6133839).

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In reference to Claim 1, Ellul discloses a smoke detector apparatus with emergency escape indicator wherein claimed output (exit) indicative device met by alarm 14, see Col. 6 lns 27-41; claimed disabling control port met by controller 60 and switchable contact 68, see Col. 5 lns 34-43; claimed ambient condition detector met by thermistor or probe 56, see Col. 5 lns 20-27.

In reference to Claim 2, Ellul further discloses that alarm 14 includes strobe 42 and audible alarm 54, see Col. 5 lns 1-12.

In reference to Claim 3, see above rejection in reference to Claim 1, specifically thermistor 56.

In reference to Claim 4, see above rejection in reference to Claim 1, specifically controller 60.

In reference to Claim 5, see above rejection in reference to Claim 1. In addition, claimed first plurality of ambient condition detectors met by Ellul's plurality of smoke detectors 12 with inherent control circuitry as it is necessary to properly detect conditions and transmit data over wireless coupling, see Col. 6 lns 4-18; claimed plurality of exit indicating output detectors met by multiple alarms 14 which include controller 60 and inherent coupling medium as it is necessary for the alarm to properly function, see Col. 6 lns 19-25; claimed plurality of ambient condition sensors met by

thermistor/probe 56 which is included with each alarm 14, see Col. 5 lns 20-23.

In reference to Claim 6, see above rejection in reference to Claim 5. In addition, it is inherent that multiple alarms 14 include multiple thermistors 56 and multiple disable means.

In reference to Claim 7, The Authoritative Dictionary of IEEE Standard Terms 7th Edition defines coupling as the association of two or more circuits or systems in such a way that power or signal information may be transferred from one to another. Ellul discloses that smoke detectors 12 and alarms 14 are coupled through ultrasonic communication, see Col. 6 lns 8-10.

In reference to Claim 8, see above rejection in reference to Claim 7. In addition, Ellul discloses that upon sensing fire condition, smoke detector 13 transmits output signal 20 to alarm 14 to trigger the alarm condition, see Col. 4 lns 1-6, 34-46. Therefore, it is inherent that the trigger output signal 20 controls alarm by activation or deactivation.

In reference to Claim 9, see above rejection in reference to Claim 2.

In reference to Claim 10, Ellul discloses that temperature sensing means 60 determines when the temperature of the alarm unit 14, which indicates an exit path, is above a predetermined

threshold and then deactivates the alarm as to not direct into unsafe areas. Ellul also discloses that only audible alarms 54 and strobe lights 42 associated with safe exits remain activated thereby leading occupants safely through an exit, see Col. 6 ln 50-67 and Col. 7 lns 1-2. By spacing the alarms 14 throughout a room and near exits, hazardous conditions are detected in a region and in a vicinity of the exit.

In reference to Claim 11, Ellul further discloses alarms 54 and strobe lights 42 associated with safe exits remain activated thereby providing visual indicia indicative of an exit path, see Col. 6 lns 64-66.

In reference to Claims 12-13, see above rejection in reference to Claim 10.

In reference to Claim 14, Ellul further discloses that multiple alarms 14 may be employed in a single room, each identifying a different exit from the room, see Col. 6 lns 19-22.

In reference to Claim 15, see above rejections in reference to Claims 14 and 6.

In reference to Claims 17-18, see above rejection in reference to Claim 10.

In reference to Claim 19, see above rejections in reference to Claims 1 and 10.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellul in view of Crandall (US 20020149491).

In reference to Claim 16, Ellul discloses an evacuation alarm system wherein upon the detection of high temperatures near an exit, the indication of said exit being safe is deactivated. Ellul does not disclose using a sensor to detect airborne indicators of combustion. However, Crandall teaches of an egress system wherein sensors 12 may be any device capable of detecting an environmental condition which may include, for example, that of the type involving measurements of temperature, smoke, fire, an activated alarm, obstructions, motion, humidity, temperature rate of rise or a combination of any two or more of the foregoing, see para. [0034]. Therefore, it would have been obvious to one having ordinary skill in the art at the time of

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the invention to use any number of sensors to more efficiently, effectively and accurately determine unsafe conditions as quickly as possible.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fitzpatrick (US 20030085811) discloses a safe exit homing alarm and method. Colberg (US 6842120) discloses a luminous alerting device for indicating and emergency exit. Buschmann (US 2004/0075572) discloses a method and apparatus for marking an escape route. Bligh (US 6646545) discloses a color-coded evacuation signaling system. Lehman (US 6150943) discloses a laser director for fire evacuation path.

Correspondence

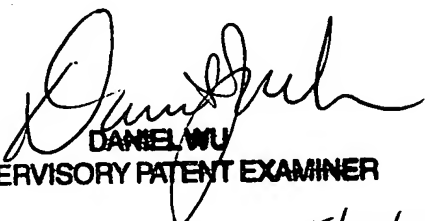
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
5/22/05